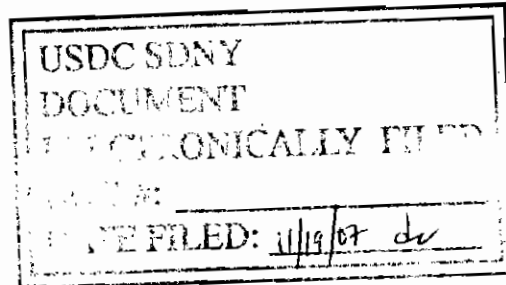


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
-----X  
BEHZADI & BRENIAN CARPET  
Plaintiff,



**SO ORDERD STIPULATION**

-against-

Docket No. 07-CV-7073  
Judge/Magistrate Judge: Barbara S. Jones/Douglas F. Eaton  
Date: November 8, 2007

DAVID & SON ORIENTAL ANTIQUE  
RUGS CORPORATION and  
DAVID SHADAN  
Defendant(s).  
-----X

WHEREAS, on August 8, 2007, Plaintiff filed the Complaint against Defendants, David & Sons Oriental Antique Rugs Corporation (the "Rugs Corporation") and David Shadan ("Shadan") (collectively, "Defendants");

WHEREAS, on August 14, 2007, the Summons and Complaint were served on Defendant, Rugs Corporation, by service upon the New York Secretary of State;

WHEREAS, the parties dispute whether Defendant, Shadan, was properly served;

WHEREAS, Defendants have not answered the Complaint;

WHEREAS, on September 26, 2007, the Clerk of the Court entered a default against Defendants and issued a Certificate of Default;

WHEREAS, the original Clerk's Certificate of Default was submitted to Judge Jones in connection with Plaintiff's motion for a default judgment against Defendants;

WHEREAS, on October 31, 2007, Defendants filed opposition to Plaintiff's motion for a default judgment;

WHEREAS, on November 2, 2007, Defendants filed a motion to set aside the entry of default;

**IT IS HEREBY STIPULATED AND AGREED** that

1. The entry of default is set aside.
2. Plaintiff's motion for default judgment is withdrawn.

3. The Defendants' motion to set aside the entry of default is withdrawn.

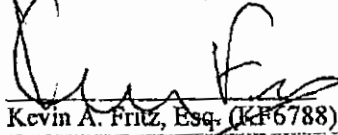
4. Defendant, Shadan, agrees to accept service of the Summons and Complaint, by delivery by e-mail or facsimile to Defendant, Shadan's, attorney, the Law Office of James J. Corbett. However, Plaintiff maintains its position that Defendant, Shadan, was properly served on August 10, 2007 as set forth in the affidavit of service previously filed in this action.

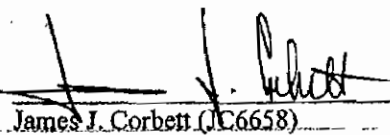
5. Within twenty (20) days of service of the Summons and Complaint on Defendant, Shadan, in the manner set forth in item 4 above, Defendants, Rugs Corporation and Shadan, shall serve their Answer or otherwise respond or move in this action. Such Answer, response or motion shall not include any affirmative defenses based on personal jurisdiction or ineffective service, as Defendants hereby waive any personal jurisdiction or ineffective service defenses. Such Answer, response or motion shall be deemed timely served.

6. Plaintiff shall electronically file with the Court its affidavit of service for service of the Summons and Complaint on Defendant, Shadan, in the manner set forth in item 4 above.


7. Defendants shall electronically file with the Court their Answer, response or motion.

Dated: November 9, 2007

  
Kevin A. Fritz, Esq. (JC6788)  
Storch, Amini & Munves PC  
Attorney for Plaintiff,  
Behzadi & Brenjlan Carpet  
2 Grand Central Tower  
140 E. 45<sup>th</sup> Street, 25<sup>th</sup> Floor  
New York, NY 10017  
(212) 497-8238

  
James J. Corbett (JC6658)  
Law Office of James J. Corbett  
Attorney for Defendants, David &  
Son Oriental Rug Antique Rugs  
Corporation and David Shadan  
254 Pettit Avenue  
Bellmore, New York 11710  
(516) 679-9494

SO ORDERED:

  
U.S.D.J.  
11/16/07